

Amendment No. 1 to HB0005

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 1722

House Bill No. 5*

by deleting all language after the enacting clause and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(c), is amended by deleting subdivision (c)(1) in its entirety and by substituting instead the following:

(c)

(1)

(A) The court shall set a specific amount of support that is due each month, to be paid in one (1) or more payments as the court directs.

(B)

(i) In entering any decree or order of support pursuant to this chapter or for orders of support entered under the provisions of § 37-1-104(d), the court shall consider the provisions of § 34-1-102(b) and may establish a presumptive date for termination of the current child support obligation and shall include the presumptive termination date in the order. The presumptive date for termination of current child support shall not end the obligation to pay any child support arrears, medical support or other fees that may be due, to support a disabled child pursuant to 36-5-101(k), or to comply with a court order requiring support for a child through college.

(ii) The presumptive termination date shall be the eighteenth (18th) birthday of the youngest child included in the

order unless the court finds that it is projected that the youngest child will not complete high school by the child's eighteenth (18th) birthday. In that event, the presumptive termination date shall continue until the child graduates from high school or the class of which the child is a member when the child attains eighteen (18) years of age graduates, whichever occurs first.

(iii) The presumptive termination date may be modified upon changed circumstances. The filing of a motion to modify the presumptive termination date shall stay the presumptive termination date until such time as the court makes a determination as to the modification of the presumptive date, and the person legally obligated to pay support shall continue to pay support in the amount directed in the order in existence at the time such motion is filed. The court shall expedite any hearings concerning modifications of the presumptive support termination date.

(iv) In the event an action is filed to modify the presumptive termination date, and a person legally obligated to pay support ceases payment while the action is pending based upon any assumption at any time as to the termination of support or based upon the presumptive termination of support date established by this subsection (c), the person shall be ordered to pay all amounts found by the court to be owing due to such failure.

(v) Unless the court orders other means to reduce such arrears, if an arrearage for child support, genetic testing fees or court costs exists at the time an order for child support would otherwise presumptively terminate, the order of support, any then existing income withholding arrangement, and all amounts

ordered for payment of current support or arrears, including any arrears due for fees or court costs, shall continue in effect in an amount equal to the then existing support order and any income withholding arrangement until the arrearage, fees and costs due are satisfied; provided, the amount of any arrears for child support shall not be modified due to termination of any current order of support pursuant to this subsection. The court may enforce all orders for such arrearages, fees or costs by contempt.

(vi) Each order entered under this section shall contain the current address of the parties.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring, and shall apply to any new or modified child support order entered on or after the effective date of this act.